

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15765 of 2022

Arising Out of PS. Case No.-67 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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CHANDAN RAI @ CHANDAN KUMAR SON OF KAMLESH RAI
RESIDENT OF VILLAGE- MADHOPUR, P.S.- SAMASTIPUR
MUFFASIL, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. NEHA KUMARI DAUGHTER OF RAMAN KUMAR LAL RESIDENT
OF VILLAGE- MADHOPUR, RANITOL, P.S.- MUFFASIL, DISTRICT-
SAMASTIPUR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surya Narayan Roy, Adv.
For the Opposite Party/s : Mr.Vinod Shanker Modi, APP
Mr.Dilip Kumar Roy, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-08-2022 Heard learned counsel for the petitioner, learned counsel for
the O.P. No.2 and learned APP for the State.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court
proceedings. In the eventuality of non-removal of defects within
stipulated period, office will place the matter before the Bench.

The petitioner apprehends his arrest in a case registered for
the offence punishable under Sections 147, 323, 379, 354D of the
IPC and section 12 of the POCSO Act.

The allegation against the petitioner is of teasing the
informant in the way to her coaching/tuition. It is further alleged
that on 20.01.2021, all the FIR named accused persons entered into



her house and tried to drag out the victim but she was saved after intervention of local people. It is further alleged that the accused persons taken away cash and valuable articles from the house of the informant.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. It is submitted that after investigation, the police has filed final form against the petitioner but the court below has taken cognizance on the basis of the case diary.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Samastipur Muffasil P.S. Case No.67/2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also the following condition(s):-

- (1) One of the bailors will be own close relative of the



petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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